

# EXHIBIT 26

ELIZABETH SINES, et al.,                 )  
  )         Civil Case No. 3:17-CV-00072  
                    Plaintiffs,             )  
  )  
vs.   )  
  )  
JASON KESSLER, et al.,                 )  
  )  
                    Defendants.             )

TRANSCRIPT OF TELEPHONIC HEARING  
HONORABLE MAGISTRATE JUDGE JOEL C. HOPPE PRESIDING  
MONDAY, MARCH 18, 2019, 4:08 P.M.

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1 MR. KOLENICH: Vanguard is a problem. Vanguard has  
2 not turned over the devices they were supposed to turn over  
3 and is not listening to counsel on the necessity of hurrying  
4 up and providing this stuff, so I really don't have anything  
5 to say in regard to them other than it might be useful for the  
6 Court to give them sort of a warning shot that, you know,  
7 you're not kidding, sanctions possible in this circumstance,  
8 and give them one last chance to comply.

9 The situation with Vanguard is they really don't  
10 exist anymore in any kind of a real sense. Obviously, they're  
11 in litigation and their officers are hanging on, trying to do  
12 their job in defending, but they don't want to be involved.  
13 And if their officers decide to just hang it up and leave the  
14 organization, I don't know who takes over at that point.  
15 There is a likely suspect.

16 But the current guy who I've been dealing with is  
17 kind of frustrated with it all and doesn't want to deal with  
18 it. So I think if the Court could send, you know, some  
19 sort of -- some sort of warning before actually imposing  
20 sanctions or making us go through motion practice, with  
21 Vanguard that might be useful to at least bring this to a  
22 conclusion that either he is or is not going to cooperate.

23 THE COURT: All right. All right. Well, you know, I  
24 have -- I have issued an order directing that the devices and  
25 account information be provided, and if it's -- and if you all